

Benita Ferrero-Waldner
Commissioner for External Relations and
the European Neighbourhood Policy

Brussels, 1 December 2008
Our ref.: B832

Dear Ms Ferrero-Waldner,

Subject: EU-Georgia Association Council

In view of the upcoming EU-Georgia Association Council on 8 December 2008, Amnesty International would like to draw to your attention our key concerns regarding the human rights situation in Georgia, which we urge you to raise with your Georgian counterparts.

Amnesty International is particularly concerned about the alleged violations of international law by all parties to the August 2008 conflict in and around South Ossetia, as detailed in the Amnesty International report *Civilians in the light of fire: the Georgia – Russia conflict*, released on 18 November. In the light of its findings Amnesty International is calling upon the conflict parties, and the international community, to ensure justice and reparation for the victims of violations of international law, accountability for those responsible for such violations, and the prevention of similar violations in the future.

Tens of thousands of people were displaced during the hostilities, and while we welcome the efforts being made by the Georgian authorities to provide long-term housing for those displaced in Georgia, we urge the EU to call upon the Georgian government to ensure the necessary conditions for those who remain displaced to realise their right to return. Furthermore, the Georgian government must ensure that the right of the displaced to an adequate standard of living, as well as rights to health and education, are fulfilled and respected, while waiting for the moment when return in safety and dignity becomes possible.

Amnesty International is also concerned that the Georgian army may have failed to take the necessary precautions to minimise civilian casualties in all instances during the course of the conflict. The use of cluster bombs has been publicly acknowledged by the Georgian Ministry of Defence, and while the aim may have been to hit military objectives, the nature of cluster weapons makes it particularly likely that civilians will also have been affected. Furthermore, unexploded cluster bomb ordnance remains a hazard to civilians long after its deployment.

Amnesty International urges the European Commission to seize the opportunity of the EU-Georgia Association Council to press the Georgian authorities to:

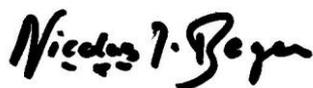
- ensure the security of all those residing in the areas affected by the conflict and those displaced and wishing to return to territory under the effective control of Georgia, without regard to their ethnic affiliation;
- ensure the prompt, independent, thorough and impartial investigation, in accordance with international standards, into allegations that the Georgian forces committed serious violations of international human rights and humanitarian law during the conflict, including war crimes. This should include crimes of omission, for instance, the failure to prevent killings, beatings, looting, and arson in areas under their control;
- wherever there is sufficient admissible evidence, ensure prosecution of anyone suspected of violations of national and/or international law in proceedings which comply fully with international fair trial standards;
- provide without delay detailed maps of all areas affected by the conflict unto which cluster bombs were fired, so as to facilitate the clearance of cluster weapon munitions and make these areas safe

for civilians; the Georgian government should also ensure that the public is made aware of the dangers of unexploded ordnance through public information campaigns. Where appropriate consideration should be given to closing off areas where such ordnance may be located until it has been cleared;

- announce a moratorium on the use of all cluster weapons; and ratify the Cluster Weapons Convention;
- agree to the establishment of, and fully co-operate with, a mechanism which determines the form of, and ensures, full reparations for unlawful acts and omissions, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition;
- invite the International Humanitarian Fact-Finding Commission, a respected, neutral standing body of experts, to investigate reported violations of international humanitarian law by all sides of the conflict
- provide full reparations to victims of human rights violations for the consequences of unlawful acts and omissions by Georgian armed forces;
- co-operate fully with any international monitors of human rights deployed in the region;
- ensure that internally displaced persons are fully informed as to their rights to return or to resettlement or integration with local society if they so wish;
- take steps to ensure the right of those internally displaced by the conflict to genuinely participate in decisions affecting the exercise of their human rights;
- ensure that the internally displaced are also availed of their right to integration or permanent resettlement elsewhere in the country, as according to each individual's voluntary choice.

We look forward to hearing from you as to the outcome of the Association Council.

Yours sincerely,



Nicolas Beger
Director
Amnesty International EU Office

You can access the Amnesty International report *Civilians in the light of fire: the Georgia – Russia conflict* (AI Index: EUR 04/005/2008, issued 18 November 2008) through the following link:

<http://www.amnesty.org/en/library/asset/EUR04/005/2008/en/d9908665-ab55-11dd-a4cd-bfa0fdea9647/eur040052008eng.pdf>